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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,344	01/23/2004	Bernt Stellander	115943	4919
29078	7590	12/12/2007		
CHRISTIAN D. ABEL ONSAGERS AS POSTBOKS 6963 ST. OLAVS PLASS NORWAY, N-0130 NORWAY			EXAMINER PASSANITI, SEBASTIANO	
			ART UNIT 3711	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,344

Applicant(s)

STELLANDER, BERNT

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/26/04; 07/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 01/23/2004 – application papers filed; 10/26/2004 – IDS; 07/28/2006 – IDS.

Claims 1-12 are pending.

Following is an action on the MERITS:

Claim Rejections - 35 USC § 102 and 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Baron (U.S. Patent 6,846,245). As to claim 1, note tracks (41) located along the rearward projecting tail (42). The Baron device further comprises a forward facing striking face along with toe, heel and top surfaces. The tracks (41) clearly appear as two continuous

parallel lines when viewed from above and when the putter is held in the correct address position. See column 5, line 5 through column 6, line 58. It is clear that if the eyes of a user are not properly aligned, then one of the lines may not even be viewable and thus the lines will no longer appear as continuous parallel lines. As to claims 2 and 3, the diameter of a regulation-sized golf ball may vary over time. Moreover, no specific dimensions have been provided to indicate to the skilled artisan exactly how to interpret the diameter of a regulation-sized golf ball. Hence, this language is not necessarily considered patentably limiting, as the Baron device may clearly operate with a golf ball that is sized with a diameter less than or nearly approximate to the distance of the spacing between the two alignment lines (41).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. Patent 4,915,385). As to claim 1, note tracks (33, 34) located along the rearward projecting tail (21). The Anderson device further comprises a forward facing striking face along with toe, heel and top surfaces. The tracks (33, 34) clearly appear as two continuous parallel lines when viewed from above and when the putter is held in the correct address position. See Figure 5. It is clear that if the eyes of a user are not properly aligned, then one of the lines may not even be viewable and thus the lines will no longer appear as continuous parallel lines. For instance, if the club head is held with the heel portion raised sufficiently high off the ground, a golfer may not be able to even view marking (34). As to claim 3, the diameter of a regulation-sized golf ball may vary over time. Moreover, no specific dimensions have been provided to indicate to the skilled artisan exactly how to interpret the diameter of a regulation-sized golf ball.

Hence, this language is not necessarily considered patentably limiting, as the Anderson device may clearly operate with a golf ball that is sized with a diameter nearly approximate to the distance of the spacing between the two alignment lines (33, 34). See the phantom outline of the golf ball (40). Here, the terms "approximate" (claim 2) and "slightly less" (claim 3) are not considered to be sufficiently diverse in scope. Hence, the alignment marks (33, 34) may be considered to be spaced by an amount that is approximate to or slightly less than the diameter of a golf ball.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (U.S. Patent 6,409,610). The patent to Ahn differs from the claimed invention in that Ahn does not specify the claimed radius and offset values. These dimensions would appear to be selected commensurate with the size of the club head and golf ball used, so that a golfer may see the marking when attempting to line up the golf club head and golf ball at address. It is clear that the marking (10) in Ahn similarly serves as a marking visible to the golfer for helping to align the golf ball with the midpoint of the striking surface. Moreover, the marking may or may not be provided with color. See column 4, lines 54-65. It is not seen how the claimed dimensions are necessarily critical, as the radius and offset in Ahn provide substantially the same benefit. In view of the above reasoning and considering that the claimed indicator marking serves no new or unobvious purpose, it would have been obvious to modify the device in the cited art reference to Ahn by sizing the indicator marking to any convenient radius and furnishing any convenient offset so long as the golfer is able to see the marking when viewed from

above and is able to use the marking to guide the golf putter into alignment with the edge radius of a golf ball at address.

Claim Objections

Claim 1 is objected to because of the following minor informality: In line 2 the upper case version of "A" should instead read as lower case --a--. Appropriate correction is required.

Further References of Interest

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Figure 2 in Hoburg. Note surfaces (25, 27) in Rudell. See the parallel lines in Figure 2 of Taylor. Note ridges (16) in Yokich.

Allowable Subject Matter

Claims 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. A complete statement of "Reasons for Allowance" will be provided at such time as this application is in condition for allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

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Application/Control Number:
10/762,344
Art Unit: 3711

Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp
December 09, 2007


Sebastiano Passaniti
Primary Examiner